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## Board of Health Minutes 03/06/2014

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of March 6, 2014

**Board Members Present:**

Kalliope Egloff, Chair  
Lucy Burton, Co-Chair  
Burton Kaplan, Clerk

**Also Present:**

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:00 PM.

**APPOINTMENTS****7:15 PM – Variance to Local Cesspool Regulation: 71 Monomoscoy Road.**

Glen Harrington stated that Attorney Nuzzolo informed him a buyer was interested in the property at 71 Monomoscoy Road. A cesspool services the existing dwelling, and the property is being transferred as-is. The owners are not installing the septic system prior to the sale, which is required by the Board of Health Cesspool Regulation. The buyer, Tim Leedham, has been made aware of the condition of the Enforceable Agreement.

Mr. Harrington remarked that the septic design was completed and approved in 2006 with re-approval on August 8, 2013. A "FAST" denitrification system and ultra-violet light are included in the design. Three bedrooms were confirmed in the dwelling.

Lucy Burton commented that the Board of Health sets timelines for the upgrade of a septic system and does not grant extensions on those timelines once the agreement and decision have been made.

Lucy Burton made a motion that the Board of Health approve the variance as requested for 71 Monomoscoy Road with the condition that the Enforceable Agreement be received in the Board of Health Office within 7 days of the closing date and for the Certificate of Compliance to be issued within 90 days of the closing date for the new upgraded septic system. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**7:20 PM – Request for 2014 Retail and Food Service Licenses: Just Desserts (14 Central Square)**

Ronda Bressler, owner of Just Desserts, introduced herself to the Board.

Ms. Bressler remarked that most of the products will be produced by a bakery in Brockton. This particular bakery sells their products to establishments in Dennis and Falmouth. Everything is premade and shipped frozen with the exception of cookies which will be baked on premises from frozen dough.

Glen Harrington stated that Just Desserts is proposing 6 outdoor seats. The tables and chairs shall be washable and cleanable, and the outdoor seating will be covered under a wooden awning.

Lucy Burton made a motion that the Board of Health approve the 2014 Food Establishment permit for Just Desserts with the condition that the outdoor seating is covered, the materials are cleanable and washable, and pending a final inspection by a Board of Health agent. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**7:25 PM – Local Board of Health Septic Inspection Variance: 241 Fells Pond Road.**

Glen Harrington stated that on June 13, 2013, Shawn McElroy performed a passing septic inspection for the property transfer at 241 Fells Pond Road. On September 5, 2013, the new owners of 241 Fells Pond Road requested that Mr. Harrington visit the property because of some septic issues.

The two issues identified that should have made the report "Needs Further Evaluation" are:

- A garbage grinder was observed still functioning in the dwelling.
- The outlet manhole to the septic tank was covered by a deck.

Mr. Harrington requested that Mr. McElroy revise the report to "Needs Further Evaluation".

A letter was sent to the current owners, the Stazinski's, stating that the items listed in the letter needed to be addressed. Mr. Stazinski informed Mr. Harrington that he had a paid invoice from a plumber for the removal of the garbage grinder. Mr. Harrington explained to Mr. Stazinski that a variance could be requested to have the deck remain as-is because all of the septic components are accessible. The septic tank is available through the inlet manhole, and the operation of the system can be properly serviced and inspected.

Mr. Harrington recommended approval of the variance based upon a condition that the septic tank manhole be brought into compliance upon the deck being remodeled or removed or a new septic tank installed. The septic tank is now 30 years old, and any other inspections would include pumping the tank and checking for structural integrity.

Lucy Burton made a motion that the Board of Health approve the variance for 241 Fells Pond Road with the condition that the septic tank manhole be brought into compliance upon the deck being remodeled or removed or a new septic tank installed and receipt of the paid invoice from the plumber for removal of the garbage grinder. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **7:30 PM – New Site / Septic: Bridges at Mashpee.**

Steve Calabro and Joe Allen, engineers for Stantec, introduced themselves to the Board.

Glen Harrington commented that the Bridges at Mashpee is a proposed 54-unit memory care, assisted living complex located at the intersection of Old Barnstable Road and Route 151. The property is approximately 25 acres, and about 5 acres will be developed. The Board previously approved a condition where no monitoring wells would be required as part of the Planning Board's Water Quality Report.

One variance that is requested is to the Board of Health's Commercial Septic System Regulation to not install the reserve area on a multi-unit building (Part IX / Section 5.3). The variance has been granted for other facilities that have provided a denitrification system prior to the Soil Absorption System. Ashers Path Apartments and Santuit Inn were both recipients of that variance.

Mr. Harrington remarked that he has met with the engineers, Steve Calabro and Joe Allen, on a preliminary basis and discussed the plans. The Cape Cod Commission has set some stringent discharge and monitoring requirements on the septic system. Total Nitrogen would be performed monthly for 18 months and then quarterly thereafter.

Steve Calabro stated that there is a plan to install a 1,200-gallon grease trap in the kitchen. Mr. Calabro will provide a revised set of plans indicating the specifications of the grease trap. Mr. Harrington recommended that Mr. Calabro refer to the design plans of the other memory care facilities when proposing the grease trap.

Glen Harrington commented that the concern with drainage is standing water. Any standing water flows to a small level and then into a subsurface component, whether it is a leach pit or a series of infiltrators below the retention area.

Lucy Burton made a motion that the Board of Health approve the variance request for 463 Old Barnstable Road for the Bridges at Mashpee with the condition that revised plans with the grease trap are received and that the drainage plans are forwarded to Glen Harrington. Also, the Cape Cod Commission Wastewater System Operations, Management and Compliance Agreement is to be signed by the Chair, Kalliope Egloff, along with the Cape Cod Commission for the project. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **NEW BUSINESS**

**1. Sign Expense Warrants.** The Board members signed the expense warrants.

**2. Review/Approve BOH Public Session Minutes: January 8, 2014, February 6, 2014, and February 27, 2014.**

Burton Kaplan made a motion that the Board of Health approve the Public Session Minutes of January 8, 2014, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

Burton Kaplan made a motion that the Board of Health approve the Public Session Minutes of February 6, 2014, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

Burton Kaplan made a motion that the Board of Health approve the Public Session Minutes of February 27, 2014. Lucy Burton seconded the motion. The motion was unanimously approved.

### **3. Request for 2014 Retail Food License: Edible Arrangements (12 Steeple Street).**

Lucy Burton commented that the paperwork, the floor plan, and the certification appear to be in order.

Lucy Burton made a motion that the Board of Health approve the 2014 Food Establishment permit for Edible Arrangements pending a final inspection by a Board of Health agent. Kalliope Egloff seconded the motion. The motion was unanimously approved.

## **OLD BUSINESS**

### **1. 600 Gallons per Day Regulation: Draft Amendment.**

Glen Harrington remarked that he has given his changes on the 600 gallon per day draft amendment regulation to Town Counsel. Town Counsel is waiting for the Board of Health to finalize the revision and then have the changes forwarded to them.

Lucy Burton made a motion that the Board of Health approve the revision to the Board of Health Regulation to protect water quality in the Town of Mashpee for all properties. Burton Kaplan seconded the motion. The motion was unanimously approved.

### **2. 87 Lighthouse Lane.**

Glen Harrington commented that he contacted Kendall Ayers of the Barnstable County Septic Loan Program, and Mr. Ayers believed that the Barnstable County Septic Loan Program may not be issuing the Rivers the loan to repair the septic system at 87 Lighthouse Lane.

Mr. Harrington stated that the Board of Health has three options at their disposal:

- Condemn the dwelling.
- Issue a loan from the 5% Title V interest funds to repair the septic system and receive repayment at the sale of the property.
- Issue an order to keep the system pumped to avoid a nuisance.

Lucy Burton stated that she does not have a comfort level with Option #3 because it is not proactive enough to place loose requirements to pump a failed system. The Board previously discussed that condemning the house was also not an option. The Town of Mashpee has the ability to issue a loan to repair the septic system. A lien is placed on the property whether the Town of Mashpee or Barnstable County pays for the repair of the septic system. The Board of Health and the Mashpee Town Manager are required to approve the loan to repair the septic system. If this is to be considered as an emergency, the Town of Mashpee can act as the engineer for the septic system. As it is not an emergency, professional design services are required for the new septic system.

Lucy Burton made a motion that the Board of Health issue a loan from the 5% Title V interest funds to repair the septic system at 87 Lighthouse Lane with the understanding that the loan will be paid back upon sale or transfer of the property. The cost will be a lien placed by the Town of Mashpee on the property which will be paid upon sale or transfer. Burton Kaplan seconded the motion. The motion was unanimously approved.

## **ADDITIONAL TOPICS**

**None.**

## **DISCUSSION**

### **1. Title V Changes.**

Glen Harrington commented that beginning January 1, 2014, the Department of Environmental Protection made several changes to streamline their permit process. Therefore, they will no longer approve Title V variances for tight tank approvals and for nitrogen aggregation approvals. They will no longer approve Recirculating Sand Filters in Nitrogen Sensitive Areas. The local Boards of Health will now be responsible for the approval process.

Mr. Harrington stated that Town Counsel cannot review the plans and represent the Town of Mashpee if an issue arises. It would have to be a third party review. The Board of Health has the right to set conditions upon approval. One of the conditions could be that the third party review be paid by the applicant. Setting one fee may be difficult

because each application could be different.

**NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, March 20, 2014, at 7:00 PM. As there was no further business, Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 8:23 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments